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## REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)  
41145-1001

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.  
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,916,242, granted June 29, 1999, and for which a reissue patent is sought on the invention entitled Apparatus for Rapid Cooling of the Brain and Method of Performing Same, the specification of which

- is attached hereto.
- was filed on \_\_\_\_\_ as reissue application number \_\_\_\_\_ / \_\_\_\_\_ and was amended on \_\_\_\_\_.  
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- by reason of a defective specification or drawing.
- by reason of the patentee claiming more or less than he had the right to claim in the patent.
- by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

At least one error in the claims appears in claims 4 and 5 of U.S. Patent No. 5,916,242 as issued, wherein the limitations of claim 5 appear in the claim from which it depends, being claim 4, such that claim 5 is wholly inoperative or invalid. Specifically, the limitations of step a) and of step b) of claim 5 are identical to the limitations of step b) and of step c) of claim 4, respectively. Accordingly, claim 5 of U.S. Patent No. 5,916,242 as issued is inoperative or invalid.

At least one error in the claims further appears in claim 4, wherein the limitations of claim 5 incorporated therein are not required for patentability, such that Applicant has claimed less than patentee had the right to claim in the patent. Specifically, the limitation of claim 4, step b) relating to an "endotracheal tube" is not a required limitation for a patentable method of inducing hypothermia in a patient's brain.

JUN 27 2001

PTO/SB/51 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## (REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)  
41145-1001

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s) Registration Number

Stephen A. Slusher 43,924

Correspondence Address: Direct all communications about the application to:

Customer Number 005179 → Place your printed number Bar Code Label here  
Type Customer Number here 05179

<input type="checkbox"/> Firm or Individual Name	Peacock, Myers & Adams, P.C.					PATENT TRADEMARK OFFICE
Address	P.O. Box 26927					
Address						
City	Albuquerque	State	NM	Zip	87125	
Country	USA					
Telephone	(505) 998-6130	Fax	(505) 243-2542			

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name) GEORGE R. SCHWARTZ	
Inventor's signature <i>George R. Schwartz</i>	Date <i>21 June 2001</i>
Residence Santa Fe, New Mexico	Citizenship USA
Mailing Address P.O. Box 6670, Santa Fe, New Mexico 87502	

Full name of second joint inventor (given name, family name)	
Inventor's signature	Date
Residence	Citizenship
Mailing Address	

Full name of third joint inventor (given name, family name)	
Inventor's signature	Date
Residence	Citizenship
Mailing Address	

Additional joint inventors are named on separately numbered sheets attached hereto.

## REISSUE PATENT APPLICATION

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as Express Mail "Post Office to Address" service, having mailing label number EL847395679US in an envelope addressed to: Box Reissue, Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

Stacy E. Jenkins  
Stacy E. Jenkins, Paralegal

6/27/01  
Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GEORGE R. SCHWARTZ

Examiner: Unknown

Serial No.: To Be Assigned

Group Art Unit: 1911

Filed:

Patent No.: 5,916,242

Issued: June 29, 1999

For: APPARATUS FOR RAPID COOLING OF  
THE BRAIN AND METHOD OF  
PREFORMING SAME

## POWER OF ATTORNEY

BOX REISSUE  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In the matter of the above-entitled Reissue Patent Application, I hereby appoint Stephen A. Slusher, Registration No. 43,924, as my attorney with full power of substitution, association and revocation, to prosecute said application and to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

It is requested that all correspondence regarding this application be directed to:

Stephen A. Slusher, Esq.  
PEACOCK, MYERS & ADAMS, P.C.  
P. O. Box 26927  
Albuquerque, New Mexico 87125-6927



05179

PATENT TRADEMARK OFFICE

and all telephone calls to (505) 998-6130, facsimile (505) 243-2542.

Date: 21 July, 2001

By:

George R. Schwartz  
GEORGE R. SCHWARTZ, Applicant



Practitioner's Docket N . 41145-1001

**PATENT**

**REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER  
(37 C.F.R. § 1.178)**

To the Assistant Commissioner for Patents:

1. The undersigned applicant of the accompanying reissue application for the reissue of letters patent for the improvement in Apparatus for Rapid Cooling of the Brain and Patent number 5,916,242 granted to him/her on 06/29/99, of which Method of

Performing  
Same

he/she is now sole owner,

is now sole owner by assignment, and on whose behalf and with whose assent the accompanying application is made,

The "ASSENT BY THE ASSIGNEE" to this reissue application is attached.

Date: 21 June 2001

A handwritten signature of George R. Schwartz in black ink.

Signature(s)

GEORGE R. SCHWARTZ

(type or print name(s))

**CERTIFICATION UNDER 37 C.F.R. § 1.10\***

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date June 27, 2001, in an envelope as "Express Mail Post Office to Addressee," service under 37 C.F.R. § 1.10, Mailing Label Number EL84739567945, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Stacy E. Jenkins

(type or print name of person mailing paper)

A handwritten signature of Stacy E. Jenkins in black ink.

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Reissue Application by the Inventor, Offer to Surrender (37 C.F.R. § 1.178)—Assent of Assignee  
[17-2]—page 1 of 2)

05806523-052701

**ASSENT OF ASSIGNEE TO REISSUE**

The undersigned, assignee of the entire interest in the above-mentioned letters patent, hereby assents to the accompanying application.

**STATEMENT BY ASSIGNEE**

- Attached is a "STATEMENT UNDER 37 C.F.R. 3.73(b)," establishing the right of the assignee to take action in this reissue.

OIG052008 - 092704

Date: \_\_\_\_\_

**Signature of assignee;**  
*(type or print name of signatory and title if signing  
on behalf of an entity)*

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(Reissue Application by the Inventor, Offer to Surrender (37 C.F.R. § 1.178)—Assent of Assignee  
[17-2]—page 2 of 2)



Practitioner's Docket N . 41145-1001

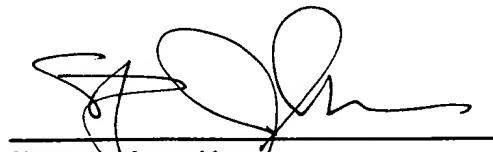
**PATENT**

**REQUEST FOR TRANSFER OF DRAWINGS FROM ORIGINAL PATENT  
TO REISSUE APPLICATION**

Please transfer the drawings from original patent, 5,916,242, filed on  
March 30, 1999, for the invention entitled Apparatus for Rapid Cooling of the  
Brain and Method of Performing Same.

to the reissue application, the specification of which:

- is attached hereto.  
 was filed on \_\_\_\_\_, as reissue application num-  
ber /

  
\_\_\_\_\_  
Signature of practitioner

Date: 6/27/01

Stephen A. Slusher  
(type or print name of practitioner)

Reg. No.: 43,924

P.O. Box 26927  
P.O. Address

Tel. No. 505-998-6130

Albuquerque, NM 87125-6927

Customer No.: 005179

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<b>REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT</b>		Docket Number (Optional) <b>41145-1001</b>
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s) <b>GEORGE R. SCHWARTZ</b>		
Patent Number <b>5,916,242</b>	Date Patent Issued <b>June 29, 1999</b>	
Title of Invention <b>Apparatus for Rapid Cooling of the Brain and Method of</b>		
1. <input type="checkbox"/> Performing Same 2. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)		
One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee". The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.		
The assignee(s) owning an undivided interest in said original patent is/are _____, and the assignee(s) consents to the accompanying application for reissue.		
Name of assignee/inventor (if not assigned) <b>GEORGE R. SCHWARTZ</b>		
Signature 	Date <b>21 JUNE 2001</b>	
Typed or printed name and title of person signing for assignee (if assigned)		

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

SEARCHED  
INDEXED  
MAILED  
FILED  
JUN 27 2001  
U.S. PATENT AND TRADEMARK OFFICE  
C.P.F.

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as Express Mail "Post Office to Address" service, having mailing label number EL847395679US in an envelope addressed to: Box Patent Application, Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.



Stacy E. Jenkins  
Stacy E. Jenkins, Paralegal

6/27/01  
Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GEORGE R. SCHWARTZ

Serial No.: To Be Assigned

Filed:

Patent No.: 5,916,242

Issued: June 29, 1999

For: APPARATUS FOR RAPID COOLING OF  
THE BRAIN AND METHOD OF  
PREFORMING SAME

Examiner: Unknown

Group Art Unit: 1911

ASSOCIATE POWER OF ATTORNEY

BOX REISSUE  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Stephen A. Slusher, a principal attorney in the above-identified application for Letters Patent, hereby appoints:

Deborah A. Peacock	Reg. No. 31,649
Paul Adams	Reg. No. 21,096
Jeffrey D. Myers	Reg. No. 35,964
Rod D. Baker	Reg. No. 35,434
Andrea L. Mays	Reg. No. 43,721

as associate attorneys with full power.

Date: 6/27/01

Respectfully submitted,

Stephen A. Slusher, Reg. No. 43,924  
Direct line: (505) 998-6130  
Customer No. 005179

Attorney for Applicant  
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